Open House

A newsletter for Nevada Real Estate Licensees

September / October / November 2018





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New CE designations, registration process for Real Estate Commission meetings

s of September 2018, there are two new designations available for licensed attendees of Real Estate Commission meetings. Commission attendance, previously approved for Broker Management and/or Ethics credit, may now be applied to Agency and/or Law and Legislation as well.

All credit will be issued under the same course number. Since licensees may earn from three to six hours of credit and this single CE number will encompass all four designations, it is the responsibility of each licensee to determine which type(s) of credit they'll be utilizing and complete the remainder of their continuing education accordingly.

Licensing staff will determine which designation(s) to apply based on the certificates submitted at the time of renewal. To receive CE credit, licensees must register online. Licensees who fail to register prior to registration closing and choose to attend on the first day of the Commission meetings will be placed on a "standby" list and granted seating based on openings due to "no shows" and cancellations. Be advised that availability for those who are on "standby" will be handled on a first-come, first-served basis.

For more information, see Informational Bulletin #35: Online Registration, CE Designation & Certificate Distribution for the Nevada Real Estate Commission Hearings.

Please visit the website www. red.nv.gov and check under Administration > Hearing and Agendas > Real Estate to receive the most-up-to-date information about Commission meetings.

THINGS TO REMEMBER

- You must register for Commission meetings online.
- If you do not register online, you are not guaranteed seating or CE credit.
- The registration portal will be posted two weeks prior to the first day of the Commission meeting.
- We will have a "standby" list for seating in the event of cancellations.
- To receive credit, you must be physically present for at least three hours.
- You may earn a minimum of three and a maximum of six hours of CE credit. No partial credit will be granted.
- No certificates will be distributed at Commission meetings.
- You will continue to receive your CE certificate via email no later than two weeks after the conclusion and adjournment of the meeting.
- You are responsible for knowing your expiration date and meeting your renewal requirements on time.
- Commission meetings begin daily at 9 a.m. and end at the Commissioners' discretion. There is no predetermined end time, but meetings will not run past 5 p.m.

Annual reporting requirements for all brokers

AC 645.806 requires every real estate broker to submit either a completed Trust Account Reconciliation (Form 546) or a completed Affidavit in Lieu of Form 546 (Form 546A) on an annual basis.

The form to be submitted by the broker is dependent on the broker's activity during the prior year.

NRS 645 requires a broker who receives money belonging to others, including, without limitation, rents, security deposits, down payments, advance fees, earnest monies or other client money, to deposit the monies into an account designated as a trust account. The broker must then submit a Form 546 for each trust account to the Division on an annual basis.

If the broker did not receive such monies during the prior year, then the broker is required to submit Form 546A on an annual basis.

The annual due date for

645.806 requires submission of either form to the yreal estate Division is dependent on the er to submit either anniversary of the broker's license completed Trust renewal.

For example, if the broker's real estate license is due to renew on July 31, then the broker is required to submit either Form 546 or 546A no later than July 31 every year.

If the broker holds two real estate broker licenses, then the broker is required to submit either a completed Form 546 or 546A annually, on or before the expiration date for each broker's license.

Failure to submit Form 546 on time will result in an administrative fine of at least \$1,000. Failure to submit Form 546A on time will result in an administrative fine of at least \$250.

We are always here to assist you with any questions about Forms 546 and 546A. Contact the Division's Enforcement line at (702) 486-4324 or realest@red. nv.gov.

Be on time, don't be fined!

ON THE WEB

NRED kicks off expansion of online renewals with Timeshare Representatives

tarting this month, the Division is expanding online renewals to include a variety of licenses, permits and certificates, beginning with Timeshare Representatives.

To renew online, you'll first need to establish your My Account on the Division's website. Read the provided directions carefully before starting.

If you haven't logged in before, your User ID is your license number without the leading zeros and suffix (e.g. license number TS.00123-REP would become User ID TS.123), and your password is the last four digits of your social security number. If you're logging in for the first time, you'll be prompted to set up security questions.

Click the "Start/Continue Renewal" link on the left-hand side of the page to begin the renewal process. If you don't see it listed there, your license is most likely more than 45 days from its expiration date, and its status has yet to change from Active to Active in Renewal.

Once you initiate the process, you will be prompted to answer a series of questions regarding your residency, business license, child support and criminal history. After you've

answered each of the questions, you'll click "Add to Invoice." At this time you'll be able to see the total amount due as well as a breakdown of fees. (Please note there is a two percent convenience fee for all credit card transactions.)

If you have an additional license, permit or certificate in need of renewal, you'll return to the "Start/ Continue Renewal" page. If not, you'll select "Pay Invoice," enter your credit card details, and voila. Your license is

renewed!

In addition to cutting down on paper waste, renewing online will save you the headache and hassle of mailing or hand-delivering applications and continuing education certificates to the Division. Should you have any issue with online renewals, you can contact the Division for assistance at (702) 486-4033.

Good luck and happy renewing.



Things to Remember

ONE

When registering for continuing education (CE)

courses, remember to use your license number and not your public ID. Your license number begins with S, BS or B. If you use the wrong number, then the course will not be reflected under Continuing **Education Credits** on your My Account.

TWO

If you do not have a Broker's license or a **Property Management/ Business Broker permit**,

you may still take CE

courses with those designations for General credit. The same applies to duplicate designations. If you've taken two Ethics courses totaling six hours, one course will apply to the Ethics requirement and the other will apply to the General requirement.

THREE

For inquiries related to the Biennial/ **Quadrennial Ethics**

contact your local REALTOR® Association (GLVAR, RSAR, etc.). This training is required for your REALTOR® Association membership. Do not contact NRED in this regard. You will be directed to vour REALTOR® Association.

FOUR

EDUCATORS Remember to use the License Lookup

function on the Division website when completing class rosters. You are responsible for ensuring that students' names are spelled correctly and that license numbers are entered accurately and without the leading zeros.

NRED CLASSES 2018/19

NO COURSE FEE. PRE-REGISTRATION REOUIRED

WHAT EVERY LICENSEE SHOULD KNOW

- **OCTOBER 15** 9 a.m. - Noon
- **NOVEMBER 19** 1 - 4 p.m.
- **OCTOBER 29** 1 - 4 p.m.
- **DECEMBER 17** 1 - 4 p.m.

TRUST ACCOUNTING MANAGEMENT AND **COMPLIANCE**

- **OCTOBER 18** 9 a.m. - Noon
- **NOVEMBER 29** 9 a.m. - Noon
- **JANUARY 31** 1 - 4 p.m.
- APRIL 30 1 - 4 p.m.

UPCOMING HOLIDAYS

NEVADA DAY

Friday, October 26

VETERANS DAY

Monday, November 12

THANKSGIVING DAY

Thursday, November 22

FAMILY DAY

Friday, November 23

DISCIPLINARY ACTIONS / STIPULATIONS

ACTIONS/DECISIONS

Real Estate Commission actions are not published in this newsletter until the 30-day period allowed for filing for Judicial Review has passed. A Respondent's license is automatically suspended for failure to comply with a Commission Order, and the Division may institute debt collection proceedings to recover fines and costs.

ALLEGATIONS/STIPULATIONS

Stipulations occur when both the Respondent and Division have agreed to settlement conditions. A stipulation may or may not be an admission of guilt.

Stipulations are presented to the Commission for final approval.

NAME	EFFECTIVE DATE	ALLEGATIONS / VIOLATIONS	DISCIPLINE / SETTLEMENT	
Laurince Lovelife Unlicensed	March 2018	Respondent violated <u>NRS 645.230(1)(b)</u> and/or <u>NRS 645.235(1)(a)</u> by engaging in property management without a permit.	\$1,000 fine	
Martha Rogers B.25313 (Revoked) PM.125313 (Revoked)	March 2018	Respondent violated NRS 645.630(1)(f) on twelve (12) occasions by failing, within a reasonable time, to account for or to remit any money which came into her possession and which belongs to others; NRS 645.630(1)(h), pursuant to NRS 645.6056(2)(a), on six (6) occasions by failing to list beginning and/or ending dates on six property management agreements; NRS 645.630(1)(h), pursuant to NRS 645.6056(1), on seventeen (17) occasions by failing to sign seventeen property management agreements; NAC 645.655(g) by maintaining a custodial or trust account from which money could be withdrawn without her signature; NRS 645.633(1) (h) and/or (i), pursuant to NAC 645.605(1), on six (6) occasions by paying herself more in property management fees than to which she was entitled; and NRS 645.633(1) (h), pursuant to NAC 645.605(11)(a) and/or (b), by failing to comply or delaying her compliance with a request by the Division to provide documents, and/or failing to supply a written response, including supporting documentation.	\$431,248 fine License and permit revoked	
Martha Rogers B.25313 (Revoked) PM.125313 (Revoked)	March 2018	Respondent violated NRS 645.630(1)(f) on three occasions by failing, within a reasonable time, to account for or to remit any money which came into her possession and which belongs to others. Respondent violated NAC 645.605(11)(a) and/or (b) by failing to disclose all facts and documents pertinent to an investigation to members of the Division's staff conducting the investigation.	\$40,499.12 fine License and permit revoked	
Benjamin M. Donlon B.1001488 (Suspended)	May 2018	Respondent violated NRS 645.633(1)(h) and/or (i), pursuant to NAC 645.605(1) and/or NAC 645.605(6), by not remitting	\$5,000 fine Ethics: 12 hours	

full payment within the time period specified in the

Promissory Note.

NAME	EFFECTIVE DATE	ALLEGATIONS / VIOLATIONS	DISCIPLINE / SETTLEMENT
William A. Gayler B.18030 (Expired)	May 2018	Respondent violated NRS 645.633(1)(d)(2) by being convicted of a felony involving fraud, deceit, misrepresentation or moral turpitude and NRS 645.615 (1) (b) and (2)(a) by failing to notify the Division in writing that he entered a plea of guilty to a crime involving fraud, deceit, misrepresentation or moral turpitude within 10 days after the plea of guilty.	\$20,000 fine License revoked
Jules (J.J.) Mitchell Lehr S.174507 (Active)	May 2018	Respondent violated NRS 645.230(1)(b) by engaging in property management without a permit and NRS 645.630(1) (f) on two occasions by failing, within a reasonable time, to account for or to remit any money which came into his possession and which belongs to others.	\$2,000 fine Agency: 3 hours Ethics: 6 hours Law & Legislation: 3 hours
Daryll S. Reese B.54198 (Revoked) BS.54198 (Revoked) PM.163575 (Revoked)	May 2018	Respondent violated NRS 645.633(1)(d)(2) by being convicted of a felony involving fraud, deceit, misrepresentation or moral turpitude and NRS 645.615(1)(b) and (2)(a) by failing to notify the Division in writing that he entered a plea of guilty to a crime involving fraud, deceit, misrepresentation or moral turpitude within 10 days after the plea of guilty.	\$20,000 fine Licenses and permit revoked
Jay Rosen B.49406 (Active) B.166201 (Active) PM.163348 (Active)	May 2018	Respondent violated NRS 645.633(1)(i), pursuant to NAC 645.605(a) and/or (6) by failing to return money related to a real estate transaction that he knew did not belong to him.	\$3,000 fine Ethics: 6 hours
Tod A. Wever B.144020 (Active) PM.163809 (Active)	June 2018	Respondent violated NRS 645.633(1)(h) by acting with gross negligence or incompetence and/or NRS 645.633(1) (i) by conduct which constituted deceitful or dishonest dealing in performing any act for which Respondent is required to hold a license, pursuant to NAC 645.605(1) by not doing his utmost to protect the public against fraud, misrepresentation or unethical practices related to real estate. Respondent violated NRS 645.633(1)(h) on four (4) occasions by acting with gross negligence or incompetence and/or NRS 645.633(1)(i) by conduct which constituted deceitful or dishonest dealing in performing any act for which Respondent is required to hold a license, pursuant to NAC 645.605(6) by breaching his obligation of absolute fidelity to his principal's interest. Respondent violated NRS 645.252(1)(a) and (2) by failing to disclose as soon as practicable any material and relevant facts or information which the licensee knows, or which by the exercise of reasonable diligence should have known.	\$7,500 fine Broker Mgmt: 6 hours Ethics: 6 hours Property Mgmt: 6 hours
Alexander Perez a.k.a. Alejandro Perez a.k.a. Alex Perez Unlicensed	July 2018	Respondent violated NRS 645.230(1)(a) by advertising his services as a real estate broker, real estate brokersalesperson, or real estate salesperson within the State of Nevada without first obtaining the appropriate license from the Real Estate Division; NRS 645.230(1)(b) by advertising his services as a property manager within the State of Nevada without first obtaining from the Real Estate Division, as provided by NRS 645, a license as a real estate broker, real estate broker-salesperson, or real estate salesperson and a permit to engage in property management; and NRS 645.235(1)(a) by engaging in any activity for which a license, permit, certificate, or registration of any type of authorization is required pursuant to this chapter, because Respondent does not hold the required license, permit, certificate, or registration or has not been given the required authorization.	\$5,000 fine

NAME	EFFECTIVE DATE	ALLEGATIONS / VIOLATIONS	DISCIPLINE / SETTLEMENT	
Scott Paul Myer B.1001168 (Active)	August 2018	Respondent violated NRS 645.280(1) and NRS 645.633(1)(c) pursuant to NAC 645.605(1) by paying commissions from the sales of two properties to an employee while the employee's license was expired, which constitutes a failure to protect the public against misrepresentation and unethical practices. Respondent violated NRS 645.660(3) pursuant to NAC 654.600(4) by failing to adequately supervise an employee and have a system in place to ensure the employee maintained his license requirements up-to-date and did not engage in real estate sales without a license in violation of NRS 645.230 and NRS 645.235.	\$5,000 fine Broker Mgmt: 6 hours	
Lucia Ramos B.1000899 (Revoked) PM.163880 (Revoked)	August 2018	Respondent violated NRS 645.630(1)(f) when she failed on twenty-two (22) occasions to, within a reasonable time, account for or to remit any money which came into her possession and which belonged to others; NRS 645.630(1)(g)(2) on January 11, 2016, when she failed on one (1) occasion to submit her annual trust account reconciliation for owner funds and tenant security deposit accounts; NRS 645.630(1)(h) on twenty-two (22) occasions when she commingled her client's funds with her own; NRS 645.630(1)(h) on twenty-two (22) occasions when she converted her client's funds; NRS 645.633(1)(h) pursuant to NAC 645.605(1) by acting negligently or incompetently on twenty-two (22) occasions when she failed to do her utmost to protect the public against unethical practices; NRS 645.633(1)(h) pursuant to NAC 645.605(6) by acting negligently or incompetently on twenty-two (22) occasions when she breached her obligation of absolute fidelity to her principal's interest; and NRS 645.633(1)(h) pursuant to NAC 645.605(11) by acting negligently or incompetently on twenty-two (22) occasions when she supplied false information to the Division via Affidavit in Lieu of Form 546 in January of 2016.	\$1,330,000 fine License and permit revoked	
Matthew W. Hovey S.59885	September 2018	Respondent violated NRS 645.230(1)(a) and NRS 645.235(1) (a) for acting as a real estate salesperson without an active real estate license on ten (10) occasions; and NRS 645.633(1) (h) pursuant to NAC 645.605(5) and NAC 645.315 by negligently failing to renew his license before it expired and for negligently failing to keep abreast of license renewal process changes.	\$7,500 fine Agency: 6 hours Law & Legislation: 6 hours	
Joseph Dicello S.53234 (Active)	October 2018	Respondent violated NRS 645.630(1)(h) and/or NRS 645.633(1) (i) by withdrawing money belonging to a former client for the Respondent's own personal use without the former client's permission; and NRS 645.630(1)(f) by failing to remit to his client, within a reasonable time, money which came into the Respondent's possession and which belongs to the former client.	\$5,000 fine Agency: 3 hours Ethics: 3 hours	
Neil Arby Dickinson Jr. S.181953 (Surrendered)	October 2018	Respondent violated NRS $645.633(1)(d)(2)$ by being convicted of a crime involving moral turpitude.	Voluntary surrender in lieu of other disciplinary action.	
Amina Johns S.32321 (Closed) B.1001846 (Active)	October 2018	Respondent violated NRS 645.630 pursuant to NRS 645.635(1) by listing the complainant's property for sale online and changing the locks without the owner's authority. Respondent also violated NRS 645.633(h) by incompetently preparing the Duties Owed disclosure and listing NRES-NV1, LLC as her client, but having different individuals sign the disclosure who were not affiliated with NRES-NV1, LLC.	\$3,000 fine	
Karen C. Xiao B.1000842 (Active) B.1001006 (Active) PM.163911 (Active) PM.165379 (Active)	October 2018	Respondent violated NRS 645.6056(2)(a) on sixteen occasions by not including the term of the agreement in the property management agreements.	\$6,000 fine Contracts: 3 hours Ethics: 3 hours Property Mgmt: 3 hours	



As of September 2018, the following number of real estate licenses in the Division system are expired:

Brokers: 255

Broker-Salespersons: **379**

Salespersons: 1,729

Total: **2,363**

A real estate license must be renewed within one year of its expiration date or it will be permanently closed. To check the status of a license, go to License Lookup at http://red.nv.gov.

Real Estate Statistics Through September 2018

	Brokers		Broker- Salespersons		Salespersons		Totals	
County	Active	Inactive	Active	Inactive	Active	Inactive	Active	Inactive
Unknown	2	2	10	1	98	27	110	30
Carson City	37	28	41	10	172	31	250	69
Churchill	11	9	7	1	52	8	70	18
Clark	1,823	378	2,269	324	14,053	1,443	18,145	2,145
Douglas	75	10	66	15	262	30	403	55
Elko	16	4	20	5	74	13	110	22
Esmeralda	1	0	0	0	0	0	1	0
Eureka	0	1	0	0	1	0	1	1
Humboldt	5	4	4	4	24	1	33	9
Lander	1	1	4	0	3	0	8	1
Lincoln	3	1	0	0	5	2	8	3
Lyon	27	10	20	5	121	13	168	28
Mineral	1	0	0	0	2	1	3	1
Nye	34	9	13	7	123	14	170	30
Out Of State	331	82	224	95	707	232	1,262	409
Pershing	0	0	1	0	2	0	3	0
Storey	1	0	1	0	2	3	4	3
Washoe	401	177	430	92	2,326	258	3,157	527
White Pine	3	0	2	2	4	2	9	4
Total	2,772	716	3,112	561	18,031	2,078	23,915	3,355
Total	2,772	/10	3,112	301	10,031	2,078	20,710	0,000



GOVERNOR'S CONFERENCE ON BUSINESS 2018



Don't miss Nevada's premier resource and networking conference for business!

- ♦ Business Resource Expo- Featuring 100+ service providers, lenders, business development agencies, B2B companies and government entities
- ♦ Breakout Sessions— Five informative breakout sessions scheduled including a series on the Road Map to start and grow a business in Nevada
- ♦ Conference Luncheon— With special guest speaker and a keynote address by Governor Brian Sandoval

Business Resource Expo exhibitor spaces are now available on a first-come, first-served basis.

THURSDAY, OCTOBER 18, 2018 RIO HOTEL & CASINO, PAVILION BALLROOM

AGENDA:

7:30 a.m.

Registration, Networking and Light Breakfast

8:00 a.m. - Noon

Business Resource Expo, Breakout Sessions

Noon - 1:30 p.m.

Conference Luncheon with Governor Sandoval

BREAKOUT SESSIONS:

Track I, 8:00 a.m.

Road Map to Start or Grow Your Business Road Map: Getting Help

Track I, 9:00 a.m.

Road Map: Licensing and Certification

Track I. 10:00 a.m.

Road Map: Funding for Your Business

Track II, 9:00 a.m.

Startup Insights From Past Pitch Competition Participants **Track II. 10:00 a.m.**

Urban Mobility and Smart Technology: On the Forefront

CONFERENCE AND LUNCHEON: \$50 IN ADVANCE, \$60 AT THE DOOR

For more information or to register, visit business.nv.gov/GCB/Home

Questions? Call (702) 486-2750

NEVADA DEPARTMENT OF BUSINESS AND INDUSTRY







EnhancedCapital



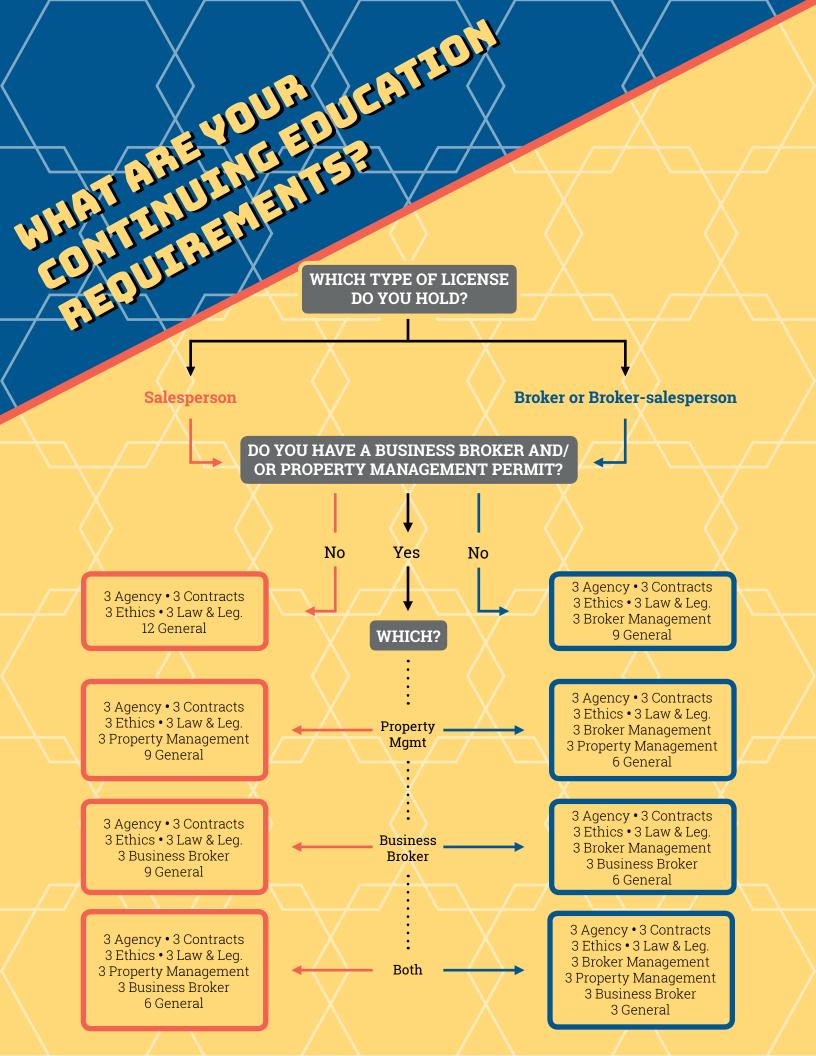












Update to Informational Bulletin #33: Computing Time

The Division intends to treat all references to days in a uniform manner. There is no indication that the Nevada Legislature intended "days"- absent any designation of business days - to mean anything other than calendar days.

For example, <u>NRS 116.4109</u> includes references to both days and business days in the same statute. There is no reason to think the Nevada Legislature intended anything other than what is simply stated:

Resale package documents must be furnished within 10 days of a written request;

A statement of demand must be provided within 10 days of a written request; and

A statement of demand must remain effective for no less than 15 business days.

By using business days for one requirement and no designation of business days for others, it implies the intent not to require business days, unless so specified.

<u>Click here to view Informational</u> <u>Bulletin #33.</u>

New form: Broker Affidavit for Home Office Compliance

In lieu of submitting additional documentation — previously reviewed by the Compliance section — along with their application, Broker applicants with a home office location must now submit Form 508A, the Broker Affidavit for Home Office Compliance.

Submission of Form 508A declares under penalty of perjury that the Broker applicant's home office location is in full compliance with all applicable statutes and regulations of Chapter 645.

Click here to view Form 508A.

Update to Informational Bulletin #2: Student/Instructor Standards of Conduct

If acceptable to the course sponsor and/orinstructor, the use of electronic devices in class is permitted to research information, take notes or obtain clarification regarding the topic of class discussion.

An instructor may deny a certificate of completion to a student who uses an electronic device in class to conduct business or other activities not related to the topic of class discussion.

<u>Click here to view Informational</u> <u>Bulletin #2.</u>

DIVISION UPDATES

NEW HIRES

Licensing

MaryKay Cortez Licensing Services

Ombudsman's Office

Antonio Brown Program Training Officer

Youngnetta Ruff-Nicholas Support Specialist

POSITION CHANGES

Real Estate Education

Leah Holmes Administrative Assistant I Official publication of the

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